

HR 303 IH

107th CONGRESS

1st Session

H. R. 303

To amend title 10, United States Code, to permit retired members of the Armed Forces who have a service-connected disability to receive both military retired pay by reason of their years of military service and disability compensation from the Department of Veterans Affairs for their disability.

IN THE HOUSE OF REPRESENTATIVES

January 30, 2001

Mr. BILIRAKIS (for himself, Mr. CONDIT, Mr. SHOWS, and Mr. KOLBE) introduced the following bill; which was referred to the Committee on Armed Services, and in addition to the Committee on Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend title 10, United States Code, to permit retired members of the Armed Forces who have a service-connected disability to receive both military retired pay by reason of their years of military service and disability compensation from the Department of Veterans Affairs for their disability.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the 'Retired Pay Restoration Act of 2001'.

SEC. 2. PAYMENT OF RETIRED PAY AND COMPENSATION TO
DISABLED MILITARY RETIREES.

(a) RESTORATION OF RETIRED PAY BENEFITS- Chapter 71 of title 10, United States

Code, is amended by adding at the end the following new section:

`Sec. 1414. Members eligible for retired pay who have service-connected disabilities:
payment of retired pay and veterans' disability compensation

`(a) PAYMENT OF BOTH RETIRED PAY AND COMPENSATION- Except as provided in subsection (b), a member or former member of the uniformed services who is entitled to retired pay (other than as specified in subsection (c)) and who is also entitled to veterans' disability compensation is entitled to be paid both without regard to sections 5304 and 5305 of title 38.

`(b) Special Rule for Chapter 61 Career Retirees- The retired pay of a member retired under chapter 61 of this title with 20 years or more of service otherwise creditable under section 1405 of this title at the time of the member's retirement is subject to reduction under sections 5304 and 5305 of title 38, but only to the extent that the amount of the member's retired pay under chapter 61 of this title exceeds the amount of retired pay to which the member would have been entitled under any other provision of law based upon the member's service in the uniformed services if the member had not been retired under chapter 61 of this title.

`(c) EXCEPTION- Subsection (a) does not apply to a member retired under chapter 61 of this title with less than 20 years of service otherwise creditable under section 1405 of this title at the time of the member's retirement.

`(d) DEFINITIONS- In this section:

`(1) The term `retired pay' includes retainer pay, emergency officers' retirement pay, and naval pension.

`(2) The term `veterans' disability compensation' has the meaning given the term `compensation' in section 101(13) of title 38.'

(b) REPEAL OF SPECIAL COMPENSATION PROGRAM- Section 1413 of such title is repealed.

(c) CLERICAL AMENDMENTS- The table of sections at the beginning of such chapter is amended--

(1) by striking the item relating to section 1413; and

(2) by adding at the end the following new item:

`1414. Members eligible for retired pay who have service-connected disabilities:

payment of retired pay and veterans' disability compensation.'.

SEC. 3. EFFECTIVE DATE; PROHIBITION ON RETROACTIVE BENEFITS.

(a) **IN GENERAL-** The amendments made by this Act shall take effect on--

(1) the first day of the first month that begins after the date of the enactment of this Act;
or

(2) the first day of the fiscal year that begins in the calendar year in which this Act is enacted, if later than the date specified in paragraph (1).

(b) **RETROACTIVE BENEFITS-** No benefits may be paid to any person by reason of section 1414 of title 10, United States Code, as added by the amendment made by section 2(a), for any period before the effective date specified in subsection (a).

END